Bankruptcy Case Opening

For Attorneys

This process shows the steps and screens required for attorneys to open a bankruptcy case on CM/ECF. The case is a chapter 7, no asset, individual consumer.

Internet users will access CM/ECF through PACER and will use two different sets of logins and passwords; one for CM/ECF filing and the other for PACER access to queries and reports.

This module will assume that the internet user has accessed the court's web site with their court assigned CM/ECF login and password.

STEP 1 Click on the Bankruptcy hyperlink on the CM/ECF Main Menu Bar. **(See Figure 1.)**

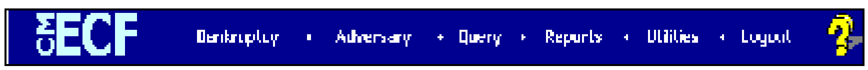


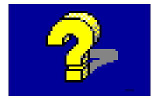
Figure 1

STEP 2 The **BANKRUPTCY EVENTS** screen displays. **(See Figure 2a.)**

Figure 2a

NOTE: Because of differences between courts, your actual menu options may vary from this list.

- For further information on each of these categories, click the **HELP** icon on the CM/ECF Main Menu Bar (the question mark, pictured below). That will bring up a help screen. **(See Figure 2b.)**



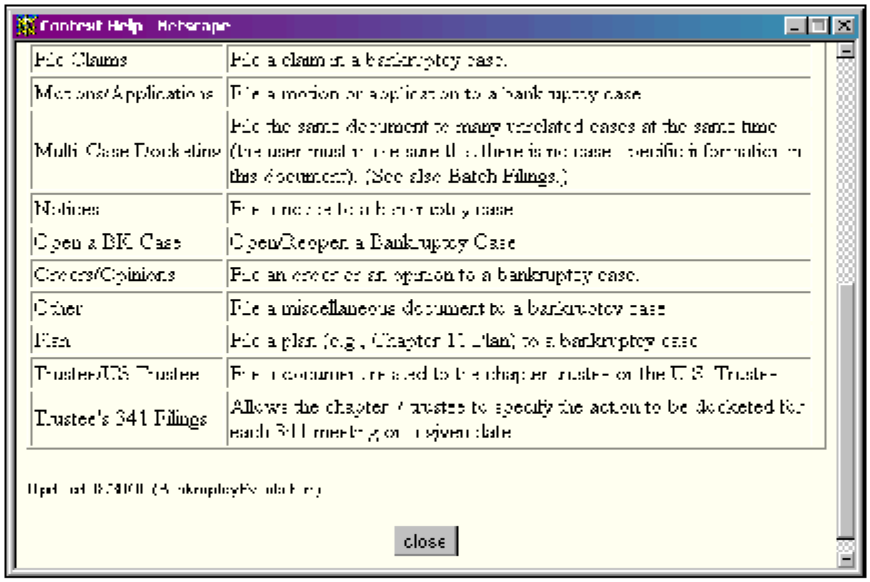


Figure 2b

- This screen gives you more information about the menu selections. To see information for other options, scroll down using the arrows or scroll bar on the right. **(See Figure 2b.)**

- To close this help screen, click on the “X” in the top right corned of the screen, or click on the **[Close]** box at the bottom of the screen. This will return you to the Bankruptcy Events screen. **(See Figure 2a.)**

STEP 3 At the Bankruptcy Events screen, click on the Open a BK Case hyperlink. The Open New Bankruptcy Case screen will display **(See Figure 3.)**

Figure 3

- The case number will be generated later in this process and will be displayed on the Notice of Electronic Filing.
- The Case Type will always be **bk**. Leave it as it is.
- The current date will always be displayed in the **Date Filed** field.
- Select the **Chapter** from the pick list box, or skip it if the default is correct.
- The default value for **Joint Petition** is **n** (no); for a Joint filing select **y** (yes).
- If there are any required items missing from the petition, change the **Deficiencies** box from **n** to **y**. A deficiency list will then be presented on a later screen.
- When this screen is correct, click **[Next]** to continue.

STEP 4 The **PARTY SEARCH** screen displays. **(See Figure 4.)**

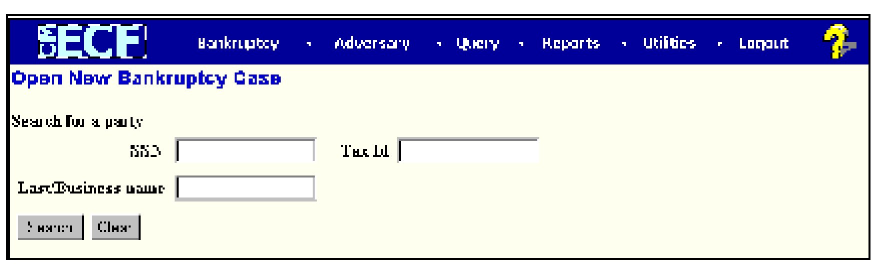


Figure 4

◆ This screen is for you to enter the parties on the case. Before you add the debtor, or any party, you should search the database to see if that party already exists in the database from another case, to eliminate duplicate records in the system. You can search by Social Security Number, Tax Identification Number, Last Name or Business Name.

- You can enter the last name to search the database. If this is a business filing, enter the first word or significant words of the business name to search. The entire business name is stored in the **Last/Business name** field. The field size is 200 characters.

Search Hints

- Enter one field of data for each search.
- Format Social Security Number or TaxID with hyphens.
- Include punctuation. (Garcia-Carrera)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild cards (*) should not be used at the end of search strings.
- Wild cards may be used before or within search strings. (*son,Gr?y)
- The asterisk * should not be used by itself. It will search ALL records in the database and use unnecessary system resources.

◆ In this lesson, we will enter the debtor's last name and click **[Search]**.

NOTE: The entire name of businesses resides in the **Last/Business** field. Therefore, for business filings, entering the first part of the name may be sufficient to find a match.

STEP 5 If there are no matches, the system will return a **No Person Found** message. **(See Figure 5a.)**

Figure 5a

NOTE: Your name search may find more than one record having the same name as shown in **Figure 5b**. Clicking on each of the names will display a window showing the party's address information for verification.

If none of the addresses are correct for this party, you can either 1.) modify the address (for this case only) on the following PARTY INFORMATION screen, or 2.) click on the **[Create new party]** button to add a new person record with this address**.**

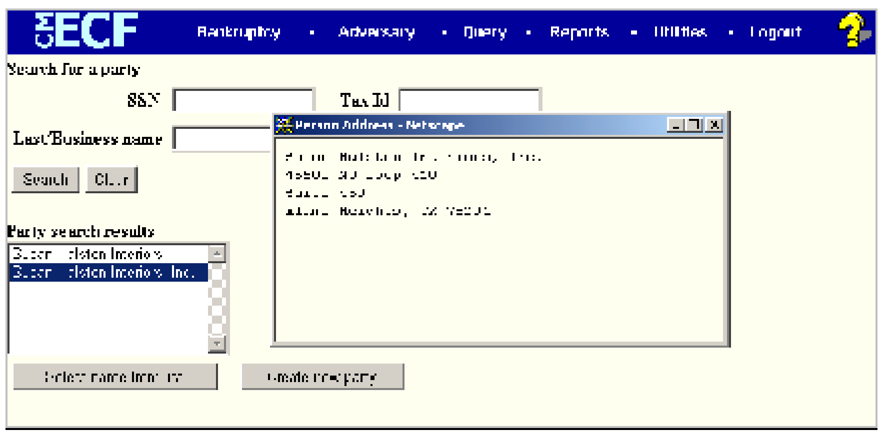


Figure 5b

- Once you have tried alternative searches and determined that the party is not already on the database, you can add them to the database. Click **[Create New Party]**.

STEP 6 The **PARTY INFORMATION** screen displays**.** **(See Figure 6.)**

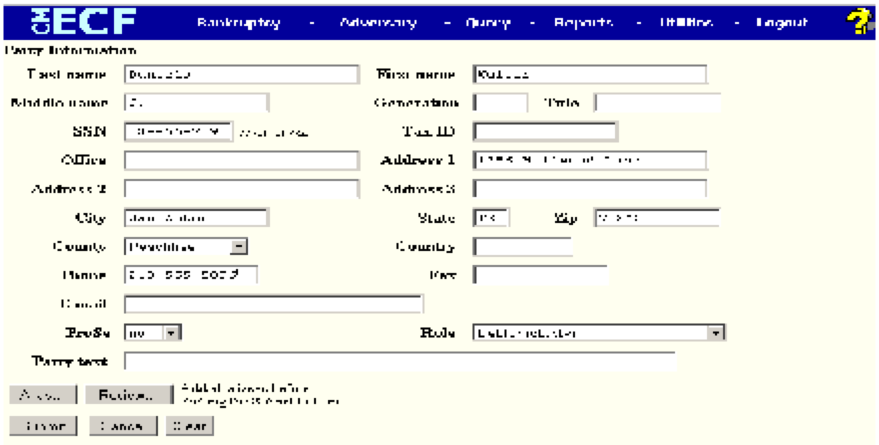


Figure 6

- Enter the debtor's **Name** and **Address** information in the appropriate boxes . (For this lesson, our debtor is Walter Daniels.)

NOTE: Do not use special characters such as parentheses, brackets, or percent signs. These codes may cause problems with the BNC noticing program.

- Select the debtor's **County** of residence from the pick list box.

NOTE: Type the first letter of the county name for a faster search.

- For this lesson, leave ***ProSe*** as **no**.

- When adding a party, the **Role Type** will default to blank. To change the **Role Type**, expand the pick list by clicking on the down arrow and the select the correct party role.

NOTE: You must change the role type from blank to a valid party role before the system will allow you to continue.

- Enter further descriptive text for the debtor in the **Party text** field, if appropriate (such as A Connecticut Corporation, Guardian of the Estate, etc.)

- It is not necessary to add the attorney representing the debtor. Because you are an attorney, Your name will be linked to the party you are representing automatically at the end of this transaction. Your login will furnish your attorney information to the system.

- If the party has an alias, click the **[Alias]** button.

STEP 7 The **ALIAS** screen appears. **(See Figure 7.)**

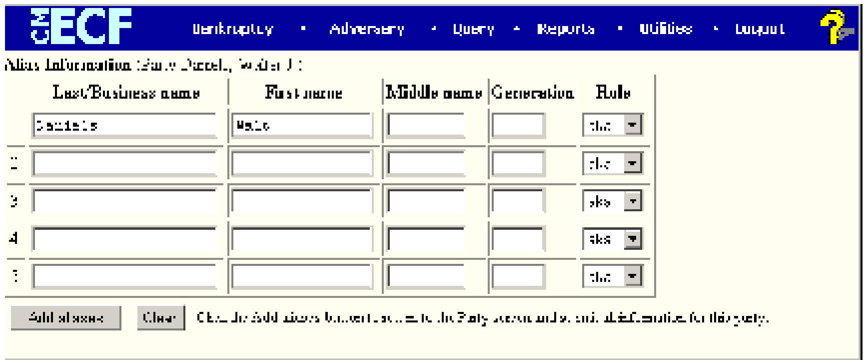


Figure 7

- You can enter up to five alias names at a time. **Alias Role** selections include aka, dba, fdba, and fka.

- Click **[Add aliases]**.

STEP 8 The **PARTY INFORMATION** screen reappears. **(See Figure 8a.)**

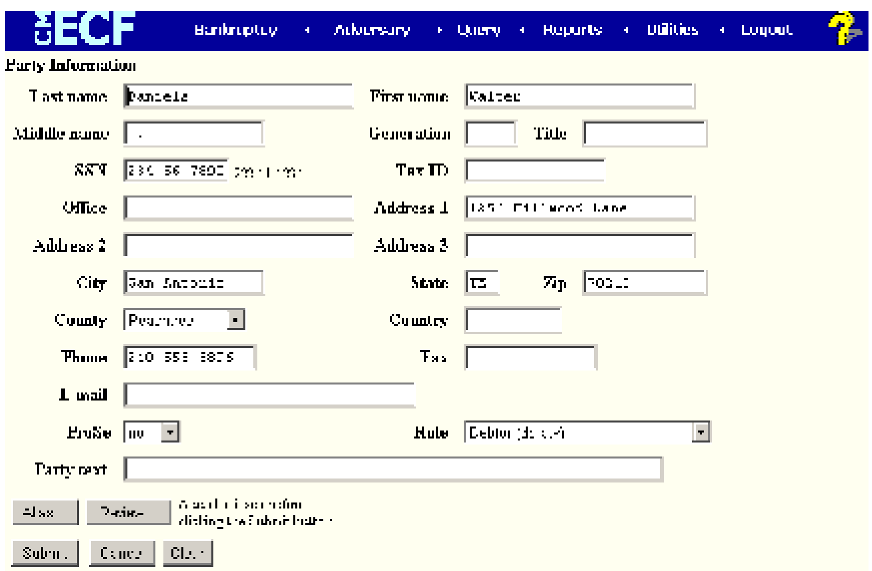


Figure 8a

- Clicking on the **[Review]** button at any time presents a screen summarizing the attorney and alias activity for this debtor. **(See Figure 8b.)**

- Verify the information.

- Be careful about clicking the **[Clear]** button. You could accidently delete information.

- Click **[Return to Party Screen]**.

STEP 9 The **PARTY INFORMATION** screen will return again as shown in **Figure 8a**

Figure 8b

If you are finished adding information for this new party, click **[Submit]** to continue with Case Opening.

NOTE: If this were a joint debtor filing, a **JOINT DEBTOR PARTY** screen would appear next.

STEP 10 Next, the system will display a screen confirming the assignment of the Divisional Office code. The assignment is based on the country code or zip code of the debtor. **(See Figure 10.)**

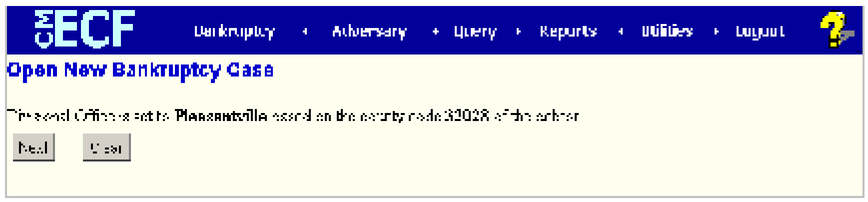


Figure 10

STEP 11 The **STATISTICAL DATA** screen appears next. **(See Figure 11.)**

◆

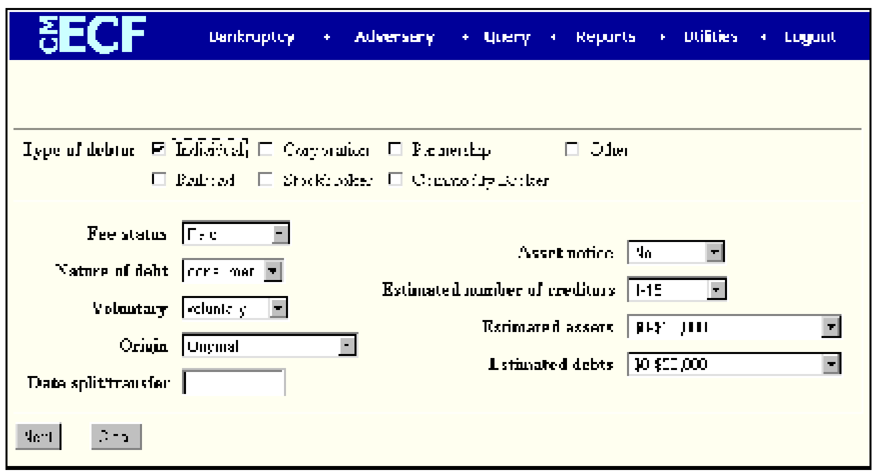


Figure 11

- ◆ Select the **Type of Debtor** by clicking in the appropriate box(es).

    - ◆ The **Fee Status** values are Paid and Installment. If the petition is accompanied by an Application to Pay Filing Fees in Installments, you would select Installment from the pick list box.

    - ◆ Designate the **Nature of Debt** as Consumer or Business.

    - ◆ The default value is for a **Voluntary** Petition. For Involuntary Petitions, select **Involuntary** from the pick list box.

- Enter the correct **Origin** code from the values Original, First Reopen, Second Reopen, Third Reopen, Split or Inter-District Transfer. No action is necessary if this is the first filing; the default value of Original is correct for this exercise.

- **Date Split/Transfer** is only necessary when a joint debtor splits from the original case or if this case was transferred in from another district. Otherwise leave this field blank.

- Choose Yes or No for **Asset notice** designation.

- Select the range of **Estimated Creditors** from the pick list box.

  - 1 -15
  - 16 - 49
  - 50 - 99
  - 100 -199
  - 200 - 999
  - 1,000 - over

- Select the correct dollar range for **Estimated Assets**.

  - Under $50,000
  - $50,001 - 100,000
  - $100,001 - 500,000
  - $500,001 - 1 million
  - $1,000,001 - 10 million
  - $10,000,001 - 50 million
  - $50,000,001 - 100 million
  - More than $100 million

- Select the correct dollar range for **Estimated Debts**.

  - Under $50,000
  - $50,001 - 100,000
  - $100,001 - 500,000
  - $500,001 - 1 million
  - $1,000,001 - 10 million
  - $10,000,001 - 50 million
  - $50,000,001 - 100 million
  - More than $100 million

- Click **[Next]** to continue.

STEP 12 If you have selected **y** for **Deficiencies** on the **Case Data** screen, the Chapter 7 **DEFICIENCY LIST** screen will appear.
(See Figure 12.)

NOTE: This list will vary by chapter.

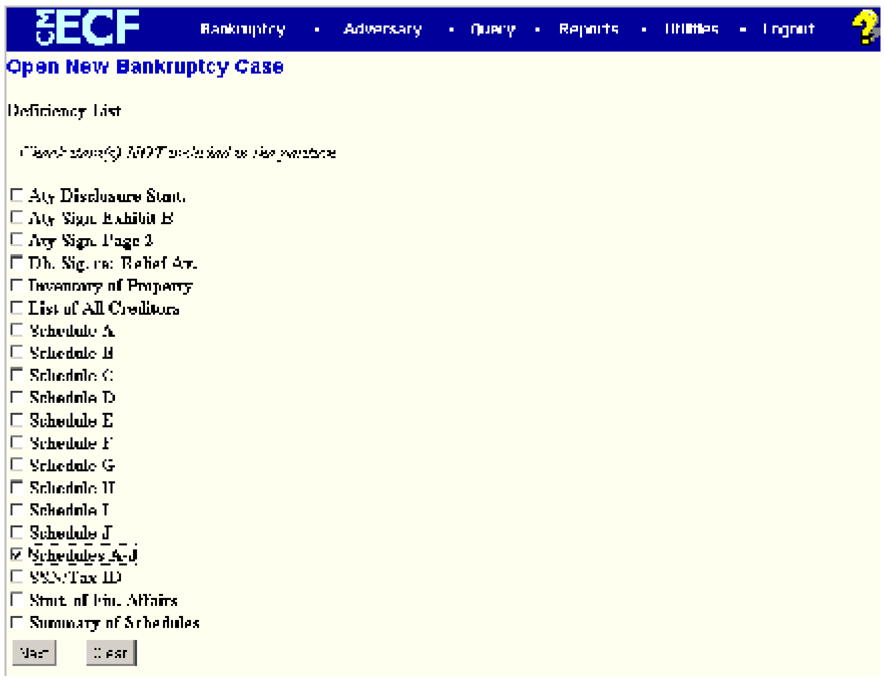


Figure 12

- Check the check box for each item that is not included with this petition. For this exercise, select **Schedules A-J**.

- Click **[Next]** to continue.

STEP 13 The **SELECT A PDF DOCUMENT** screen appears.
(See Figure 13.)

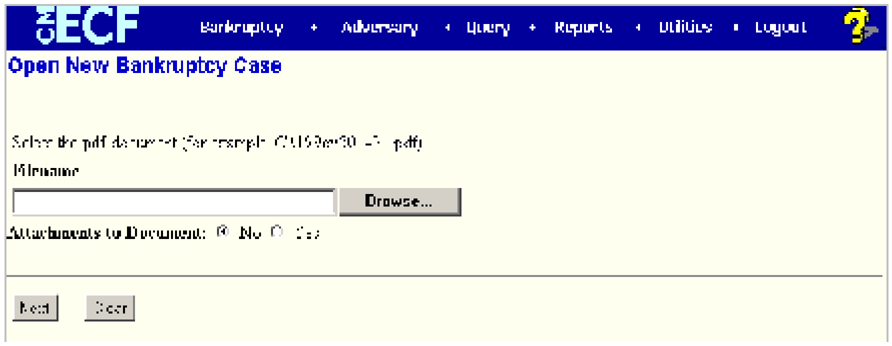


Figure 13

NOTE: This screen is used for associating the imaged document with this entry. <u>Attorneys may not bypass associating an imaged document.</u>

- Click **[Browse]**, then click on the down arrow ▼ for the **Files of type** field.
- In the drop-down box, click on **All Files (*.*)**.
- Navigate to the directory where the appropriate PDF file is located.
- Highlight the file. Then right click with your mouse and select **Open** to verify the contents of the document. If this is the correct file, double-click the PDF file to select it.
- Accept the default setting of **No** for the **Attachments to Document** radio buttons. Attachments will be covered in another module.
- Click **[Next]**

STEP 14 The **INCOMPLETE FILINGS DEADLINE**S screen is presented, showing the due date for the missing schedules A-J. **(See Figure 14.)**

Figure 14

- The deadline for filing the missing documents is calculated and displayed. This will print on the final docket text and will exist as a schedule record for queries and reports.
- Deadlines will vary by court. The court will monitor deadlines for compliance and will verify deficiencies.
- Click **[Next]** to continue.

STEP 15 The **RECEIPT #** screen appears. **(See Figure 15.)**

Figure 15

- This screen is for you to enter a receipt number, **CC** if payment is by credit card, or **O** for other type of payment. Enter **CC** and click **[Next]** to continue.

STEP 16 The **MODIFY DOCKET TEXT** screen appears. **(See Figure 16.)**

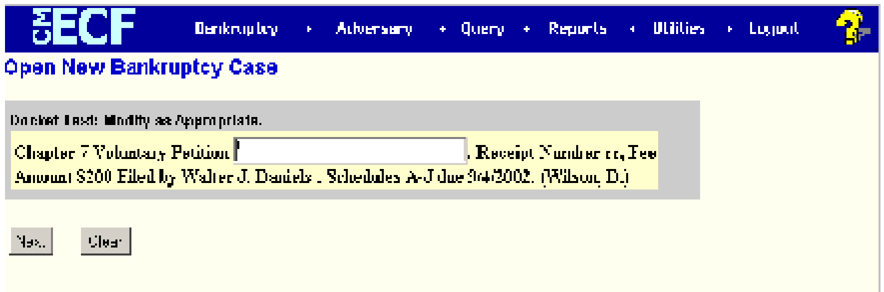


Figure 16

◆

Depending on your local court, you may or may not be able to add text to this entry. Your court will give instructions for annotating this docket text.

◆ Click **[Next]** to continue.

STEP 17 The **FINAL TEXT EDITING** screen displays. **(See Figure 17.)**

NOTE: <u>This is the last opportunity to make any changes before the case is officially opened</u>.

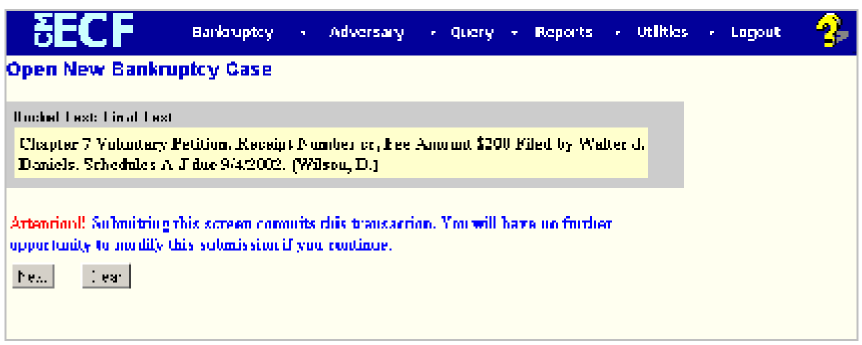


Figure 17

◆ Proof this screen carefully! This is what will print on the docket sheet.

◆ If the docket text is incorrect, click the browser **[Back]** button at the top of the screen one or more times to find the screen to be modified, make the correction, and continue through the event.

◆ To abort or restart the transaction, click on the <u>Bankruptcy</u> hyperlink on the **CM/ECF Main Menu Bar.** Although this can be done at any time, this is your last opportunity to change the event.

◆ The case number will now be assigned. Click **[Next]** to continue.

STEP 18 The **NOTICE OF ELECTRONIC FILING** screen displays.
(See Figure 18.)

Figure 18

- This **Notice of Electronic Filing** is the verification that the filing has been sent electronically to the court's database. It certifies the that petition is now an official court document.

- Make a note of the case number, which appears in blue. Clicking on the case number hyperlink, 1-02-bk-10070, will take you to the PACER login screen. After login, the docket report for this case will be displayed. The case number may display as 02-10070.

- Clicking on the document number hyperlink 1, will take you to the PACER login screen. After login, the PDF image of the petition just filed will be displayed.

- The Notice of Bankruptcy Case Filing hyperlink appears at the top of the Notice of Electronic Filing. Clicking on this hyperlink reveals a notice **(via PACER)** summarizing the pertinent details and participants of this case. **(See Figure 19.)**

NOTE: You <u>must</u> enter your PACER login and password to view any documents or reports or perform any queries.

STEP 19 If you click on the Notice of Bankruptcy Case Filing hyperlink at the top of the Notice of Electronic Filing, the Notice of Bankruptcy Case Filing will be displayed. This notice summarizes the pertinent details and participants of this case. **(See Figure 19.)**

NOTE: **<u>The Notice of Bankruptcy Case Filing will NOT initially include judge and trustee information. Therefore, a user may choose to produce this notice after the judge and trustee have been assigned to the case, either manually by the court or automatically by the Judge/Trustee Assignment.</u>**

<u>Follow local court procedures for Judge/Trustee assignment.</u>

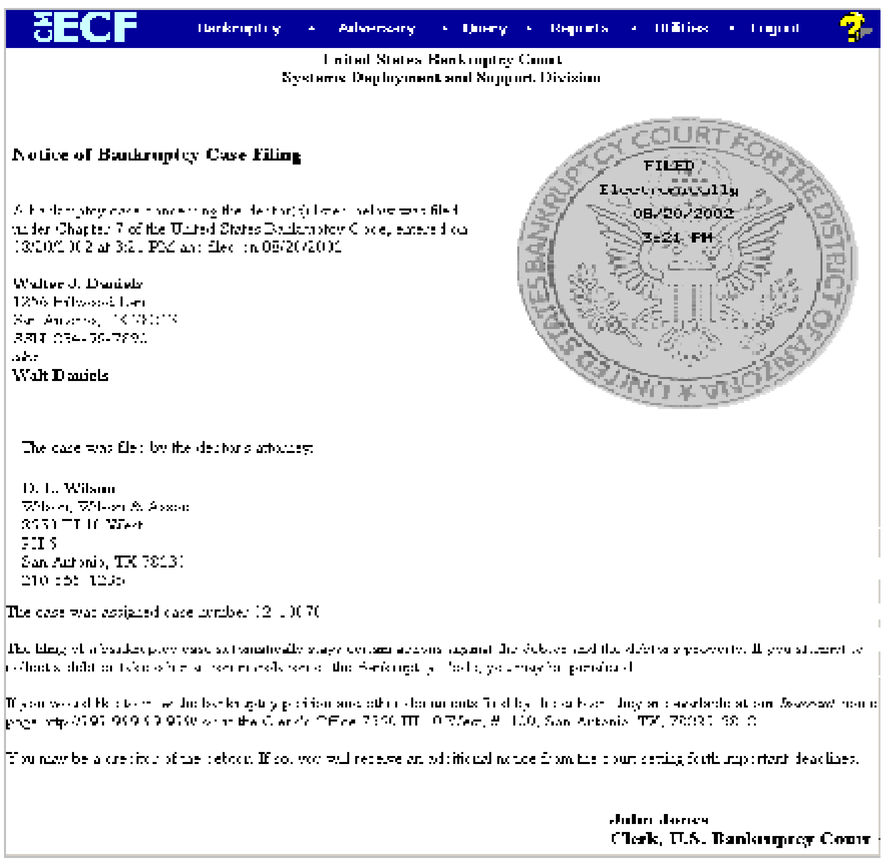


Figure 19

- This certification was created in addition to the initial notice of filing. It also displays the debtor(s), attorney, trustee, case number, time, and filed date of the case opening information. It can be used to notice creditors as an official notice of stay besides the 341 Meeting Notice to stop foreclosures and other creditor actions. It may be saved or printed at the time of filing.

  - The Notice of Bankruptcy Case Filing is also available for viewing or printing through the Query Main Menu Bar selection.

  - To print a copy of this notice, click the browser **[Print]** button or icon.

  - To save a copy of this receipt, click **[File]** on the browser menu bar and select **Save Frame As**.